

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DOUGLAS CRAIG BROWN,)	
)	
Plaintiff,)	
)	Civil Action No. 3:23-210
v.)	Judge Nora Barry Fischer
)	Magistrate Judge Keith Pesto
SERGEANT MCVICKERS, et al.,)	
)	
Defendants.)	

ORDER OF COURT

AND NOW, this 21st day of January, 2025, upon consideration of the Report and Recommendation filed by United States Magistrate Judge Keith Pesto on November 24, 2023, (Docket No. 10), recommending that after screening Plaintiff Douglas Craig Brown's Complaint under the Prison Litigation Reform Act, 28 U.S.C. § 1915(e)(2), that the Complaint be dismissed, with prejudice, and without leave to amend, as any amendment would be futile, and Plaintiff's Objections which were timely filed on December 11, 2023, (Docket No. 12), and his Supplement to his Objections filed on February 22, 2024, (Docket No. 18), this matter having been reassigned to the undersigned for prompt disposition of the matter, (Docket No. 28), and upon independent review of the record and de novo consideration of the Magistrate Judge's Report and Recommendation, (Docket No. 10), which is ADOPTED as the opinion of this Court,

IT IS HEREBY ORDERED that Plaintiff's Objections [12] and Supplement [18] are OVERRULED, for the reasons set forth in the Report and Recommendation. To that end, Plaintiff has failed to demonstrate that he has stated plausible § 1983 claims against Sergeant McVickers because he (Plaintiff) has not asserted that Sergeant McVickers had any personal

involvement in the incident, and he cannot be liable solely for acting as the supervisor to Corrections Officer Doe. In addition, Plaintiff has failed to state a § 1983 claim under the Eighth Amendment or the Equal Protection Clause against Corrections Officer Doe as Plaintiff's allegations fail to establish that Corrections Officer Doe was deliberately indifferent to Plaintiff's safety sufficient to hold him liable under § 1983, *see e.g., Kedra v. Schroeter*, 876 F.3d 424, 437 (3d Cir. 2017); *Farmer v. Brennan*, 511 U.S. 825, 835-36 (1994);

IT IS FURTHER ORDERED that Plaintiff's Complaint [9] is DISMISSED, with prejudice and leave to amend is denied, as futile;

IT IS FURTHER ORDERED that the Clerk of Court shall mark this case CLOSED; and,

FINALLY, IT IS ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

s/ Nora Barry Fischer

Nora Barry Fischer
Senior U.S. District Judge

cc/ecf: United States Magistrate Keith Pesto

cc: Douglas Craig Brown
1308 Strapmore Street
Pittsburgh, PA 15212
(via first class mail)